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7 parameters;
8 selecting a [climate condition] predetermined
9 temperature range as a function of [at least the location of
10 the vehicle] a current time and the geographic region, the
11 current time and geographic region satisfying the temporal
12 and geographic parameters corresponding to the selected
13 temperature range; and
14 operating the climate control to meet the selected
15 [climate condition] temperature range.

Cancel claims 14 and 15.

Amend claim 16:

1 ~~2~~¹. (Amended) The method of claim [15] ~~13~~¹ wherein the
2 current time includes a current date.

Amend claim 17:

1 ~~3~~¹. (Amended) The method of claim ~~13~~¹ wherein the
2 [location] geographic region is determined based on a global
3 positioning system (GPS) measure.

Amend claim 31:

1 ~~11~~¹. (Amended) A system for adjusting a climate control
2 in a vehicle comprising:
3 a sensor for determining a [location of] geographic
4 region where the vehicle is;
5 a memory for providing a plurality of predetermined
6 temperature ranges corresponding to different temporal and
7 geographic parameters;
8 a processor for selecting a [climate condition]
9 predetermined temperature range as a function of [at least
10 the location of the vehicle] a current time and the
11 geographic region, the current time and geographic region
12 satisfying the temporal and geographic parameters

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cancel
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- 13 corresponding to the selected temperature range; and
14 a controller for operating the climate control to meet
15 the selected [climate condition] temperature range.

✓ Cancel claims 32 and 33.

Amend claim 34:

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1 ~~12~~ 34. (Amended) The system of claim [33] ~~31~~ ¹¹ wherein the
2 current time includes a current date.

(Amend claim 35:)

- 1 ~~13~~ 35. (Amended) The system of claim ~~31~~ ¹¹ wherein the
2 [location] geographic region is determined based on a GPS
3 measure.

R e m a r k s

Claims 18-23 and 36-43 were rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 21-39 and 1-20 of U.S. Patent No. 6,009,335. This rejection is respectfully traversed.

In determining whether the present claims are drawn to the same invention as that of the subject patent, the test is "whether one of the [present] claims could be literally infringed without literally infringing the other [corresponding patented claim]," and "[i]f it could be, the claims do not define identically the same invention." In re Vogel, 422 F.2d 438, 441 (CCPA 1970) (emphasis added). For the Examiner's convenience, a copy of the In re Vogel opinion is enclosed.

The Examiner pointed out that "the preambles of the claims of the present application are differently worded" than those of the patented claims. For example,